

ADDRESSES: Send comments identified by docket number FAA–2016–6581 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

Docket: Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Dale Williams (202) 267–4179, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Dated: December 2, 2016.

Dale A. Bouffiau,

Deputy Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2016–6581.

Petitioner: Flight Options, LLC.

Section(s) of 14 CFR Affected: 135.25(b)(c).

Description of Relief Sought: Flight Options seeks exemption from § 135.25(b), which requires a part 135 certificate holder to have the exclusive use of at least one aircraft that meets the requirements for at least one kind of operation authorized in its operations specifications. In addition, Flight Options seeks exemption from

§ 135.25(c), which specifies that, for the purposes of § 135.25(b), a person has exclusive use of an aircraft if that person has the sole possession, control, and use of it for flight, as owner, or has a written agreement (including arrangements for performing required maintenance), in effect when the aircraft is operated, giving the person that possession, control, and use for at least 6 consecutive months. In addition, the FAA notes that an exemption from § 135.419 may be relevant to the disposition of this petition. Section 135.419 states that the FAA Administrator may require or allow an approved aircraft inspection program for any make and model aircraft of which the certificate holder has exclusive use of at least one aircraft (as defined in § 135.25(b)). Flight Options currently operates 75 turbo jet aircraft all of which are leased aircraft. Flight Options retains responsibility for all maintenance of the aircraft on its part 135 certificates. Additionally, Flight Options maintains a part 145 repair station (No. BTVR626C). Flight Options' business model is for all aircraft also to be operated under 14 CFR part 91K and under part 91 as appropriate. Flight Options currently is in compliance with 14 CFR 135.25(b) and (c) by leasing a B–300 aircraft and maintains it on their part 135 Operations Specifications and utilizes it solely as a part 135 aircraft.

[FR Doc. 2016–29640 Filed 12–9–16; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice; Receipt of Noise Compatibility Program and Request for Review, Orlando Melbourne International Airport (MLB), Melbourne, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Noise Exposure Map Notice and Receipt of Noise Compatibility Program and Request for Review.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the Noise Exposure Maps (NEM's) submitted by the Melbourne Airport Authority (Authority, Melbourne, FL) for the Orlando Melbourne International Airport (MLB), Melbourne, FL under the provisions of 40 U.S.C. 47501 *et seq.* (Aviation Safety and Noise Abatement Act) and 14 CFR 150 are in compliance with applicable requirements. The FAA also announces that it is reviewing a

proposed Noise Compatibility Program (NCP) that was submitted for the Orlando Melbourne International Airport under Part 150 in conjunction with the Noise Exposure Maps, and that this program will be approved or disapproved on or before May 30, 2017.

DATES: *Effective Date:* The effective date of the FAA's determination on the Noise Exposure Maps and of the start of its review of the associated Noise Compatibility Program is December 1, 2016. The public comment period ends on January 30, 2017.

FOR FURTHER INFORMATION CONTACT: Mr. Allan Nagy at the Federal Aviation Administration, Orlando Airports District Office, 5950 Hazeltine National Drive, Orlando, FL, 32882, Telephone 407–813–6331.

SUPPLEMENTARY INFORMATION: This Notice announces that the FAA finds that the Noise Exposure Maps submitted for Orlando Melbourne International Airport are in compliance with applicable requirements of Title 14 Code of Federal Regulations (CFR) Part 150, effective December 1, 2016. Furthermore, FAA is reviewing a proposed Noise Compatibility Program for MLB which will be approved or disapproved on or before May 30, 2017. This notice also announces the availability of this Noise Compatibility Program for public review and comment.

Under 49 U.S.C., Section 47503, Aviation Safety and Noise Abatement Act (the Act), an airport operator may submit to the FAA Noise Exposure Maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted Noise Exposure Maps that are found by FAA to be in compliance with the requirements of Part 150, promulgated pursuant to the Act, may submit a Noise Compatibility Program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The Melbourne Airport Authority submitted to the FAA on September 9, 2016 Noise Exposure Maps, descriptions and other documentation that were produced during the Orlando Melbourne International Airport Part

150 Study conducted between March 1, 2013 and September 9, 2016. It was requested that the FAA review this material as the Noise Exposure Maps, as described in Section 47503 of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a Noise Compatibility Program under Section 47504 of the Act.

The FAA has completed its review of the Noise Exposure Maps and accompanying documentation submitted by the Melbourne Airport Authority. The documentation that constitutes the "Noise Exposure Maps" as defined in CFR Part 150 Section 150.7 includes: Chapter 2.0 Airport Facilities and Local Airspace, Chapter 5.0 Noise Modeling, Chapter 6.0 Airport Operational Data, Chapter 7.0 Noise Exposure, Chapter 8.0 Noise Exposure Maps Certification, Figure 6–1 Modeled Flight Tracks—East Flow, Figure 6–2 Modeled Flight Tracks—West Flow, Figure 6–3 Modeled Flight Tracks—Touch and Go and Helicopter, Figure 7–1 2016 Noise Exposure Map, Figure 7–2 Future Land Use, Figure 7–3 2021 Noise Exposure Map, Table 6–1 2016 Annual Operations, Table 6–2 2016 Annual-Average Day Fleet Mix (Itinerant Operations), Table 6–3 2016 Annual-Average Day Fleet Mix (Local Operations), Table 6–4 2021 Annual Operations, Table 6–5 2021 Annual-Average Day Fleet Mix (Itinerant Operations), Table 6–6 2021 Annual-Average Day Fleet Mix (Local Operations), Table 6–7 2016 and 2021 Stage Length Percentages, Table 6–8 2016 and 2021 Runway Use Percentages, Table 6–9 2016 and 2021 Departure Flight Track Use Percentages, Table 6–10 2016 and 2021 Arrival Flight Track Use Percentages, Table 6–11 2016 and 2021 Local and Helicopter Flight Track Use Percentages, Table 7–1 Land Use Acreage within Existing (2016) DNL Contours, Table 7–3 2021 DNL Contour Land Use Impacts. The FAA has determined that these noise exposure maps and accompanying documentation are in compliance with applicable requirements. This determination is effective on December 1, 2016.

The FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of CFR Part 150. Such determination does not constitute approval of the airport operator's data, information or plans, or a commitment to approve a Noise Compatibility Program or to fund implementation of that Program. If questions arise concerning the precise relationship of specific properties to

noise exposure contours depicted on a Noise Exposure Map submitted under Section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise exposure contours, or in interpreting the Noise Exposure Maps to resolve questions concerning, for example, which properties should be covered by the provisions of Section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of Noise Exposure Maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the maps depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or those public agencies and planning agencies with which consultation is required under Section 47503 of the Act. The FAA has relied on the certification by the airport operator, under Section 150.21 of Part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the Noise Compatibility Program for Orlando Melbourne International Airport, also effective on December 1, 2016. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of Noise Compatibility Programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before May 30, 2017.

The FAA's detailed evaluation will be conducted under the provisions of Part 150, Section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing non-compatible land uses and preventing the introduction of additional non-compatible land uses. Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable.

Copies of the full Noise Exposure Map documentation and the proposed Noise Compatibility Program are available for examination at the following locations:

Federal Aviation Administration, 5950
Hazelton National Drive, Suite 400,
Orlando, FL 32882

Orlando Melbourne International
Airport, One Air Terminal Parkway,
Suite 220, Melbourne, FL 32901

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT**.

Issued in Orlando, Florida, on December 1, 2016.

Bart Vernace,

*Manager, Orlando Airports District Office,
Orlando, FL.*

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Transportation Project in Washington State

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by FHWA.

SUMMARY: This notice announces actions taken by the FHWA that are final within the meaning of Section 1308 of the Moving Ahead for Progress in the 21st Century Act. The action relates to design refinements to West Approach Bridge South, the Montlake Lid, and other elements of the Montlake Interchange on State Route (SR) 520 in the City of Seattle, King County, State of Washington.

DATES: A claim seeking judicial review of the Federal agency actions on the listed highway project will be barred unless the claim is filed on or before May 11, 2017. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT:

Anthony Sarhan, Major Project Oversight Manager, Federal Highway Administration, 711 S. Capitol Way, Suite 501, Olympia, WA 98501–1284, 360–753–9487, or anthony.sarhan@dot.gov; or Margaret Kucharski, Mega Projects Compliance and Documentation Manager, Washington State Department of Transportation, 999 3rd Ave. Suite 2200, Seattle, WA 98104, 206–770–3500, or Margaret.Kucharski@wsdot.wa.gov.

SUPPLEMENTARY INFORMATION: On September 7, 2011, FHWA published a